

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JANE DOE, Plaintiff,
vs.
CITY OF NEWPORT BEACH,
et al., Defendants. } Case No. SACV 15-00608-JAK (KES)
} ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, as well as the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed. The Court hereby approves and accepts the findings, conclusions, and recommendations of the United States Magistrate Judge, subject to certain modifications, which are stated below:

IT THEREFORE IS ORDERED that (1) Plaintiff's Third claim in the Second Amended Complaint for § 1983 liability against Defendant City of Newport Beach is dismissed without prejudice; (2) Plaintiff's Fourth, Fifth and Sixth claims in the Second Amended Complaint against Defendant City of Newport Beach are dismissed with prejudice; (3) Defendants' motion to strike Plaintiff's prayer for punitive damages is Denied; (4) Defendants' motion to strike Plaintiff's prayer for attorney

1 fees is Denied without prejudice; and (5) Further leave to amend the Second Amended
2 Complaint against Defendant City of Newport Beach is Granted as to Plaintiff's §
3 1983 claim; provided, however, in light of the discovery that has been conducted in
4 this action and other information that is reasonably available to Plaintiff, any such
5 amended complaint shall set forth detailed allegations to support any claim that is
6 reasserted, such allegations shall be ones for which Plaintiff has a good faith basis
7 consistent with the requirements of Fed. R. Civ. P. 11, and such a claim shall not
8 be premised on allegations of a failure to train by the City of Newport Beach. *See*
9 *Flores v. Cty. of L.A.*, 758 F.3d 1154 (9th Cir. 2014). In drafting any amended
10 complaint Plaintiff shall also be mindful that the proposed amendments identified in
11 the Magistrate Judge's Report and Recommendation are insufficient to state a § 1983
12 claim.

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14 DATED: June 2, 2016



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16 JOHN A. KRONSTADT
17 UNITED STATES DISTRICT JUDGE

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